

CITY OF LAS VEGAS

PROPOSED COMMUNITY RESIDENCE COMPARISON MATRIX

	CURRENT ORDINANCE	PROPOSED ORDINANCE
RESIDENTIAL USE SPECIFICATION FOR COMMUNITY RESIDENCES	Term Community Residence does not exist and there has been some confusion among the public and city departments as to whether residential facilities for the disabled are to be treated as a residential use or commercial use.	Clarifies that Community Residences are residential uses and are to be treated as residential uses for the purposes of zoning and building codes. The term “building code” includes the fire code.  The amendment adds that the Building Official and Fire Marshal can require additional life safety measures when the residents are non-ambulatory
BUSINESS LICENSE	Requires Group Residential Care Facility to obtain a business license.  Deletion of this requirement does not reduce the need for the operator to be licensed by the State of Nevada.	The proposed ordinance strikes Group Residential Care Facility from the Business License Chapter of the LVMC.  Federal law precludes the City from charging a business license fee to the landlord for the use of a single family home for disabled people if the City is not charging a similar business license fee for the landlord of a single family home for the non-disabled.  City staff is still reviewing this proposed amendment as State Administrative Code requires a City business license to receive necessary state licenses.
DEFINITION OF FAMILY	"Family" means two or more persons customarily living together and occupying a dwelling unit.  This definition does not properly clarify the difference between related and unrelated individuals living together.	“Family” means with respect to the occupancy of a dwelling unit: 1) one or more individuals related by blood, marriage, adoption <del>or</del> guardianship <b>or legal custody</b> ; or 2) no more than four unrelated individuals living together as a single housekeeping unit. This definition properly clarifies the difference. The practical effect of this language is that it permits four or fewer persons, disabled or not, to reside together in a single-family residence as a matter of right. <b>A change was made to add to the definition of family the term “legal custody” to remain consistent with the current code and federal law as is relates to the treatment of foster homes. Non-violent foster children receive protection under federal law as a “related” family member. This change was directed by the Planning Department.</b>

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FAMILY COMMUNITY RESIDENCE	<p>The term does not exist in current code, but this term would include Group Residential Care Facilities.</p> <p>The current distance separation is 1500 feet between Group Residential Care Facilities.</p> <p>Planning Commission and City Council Review not required, unless proposed Group Residential Care Facility was closer than 1500 ft. to another Group Residential Care Facility.</p>	<p>Community Residence is the new term for Group Home, Oxford House, Sober House, Group Residential Care Facility, or other residential care facility for the disabled.</p> <p>This category is split into two sub-categories, Family Community Residence and Transitional Community Residence. This subcategory includes residential care facilities for the disabled that are not recovering alcoholics or drug abusers.</p> <p>A Community Residence between 5-10 in population does not require Planning Commission and City Council Review, unless proposed use does not comply with conditions such as distance requirements.</p> <p>Proposed distance separation is 660 feet between Community Residences <b>from property line to property line. This is a change from the language presented to public at the community meetings and at Planning Commission. This is a change requested by NARA and directed by the Planning Department.</b></p>
TRANSITIONAL COMMUNITY RESIDENCE	<p>The term does not exist in current code, but this term would include Halfway House for Recovering Alcohol and Drug Abusers.</p> <p>The current distance separation is 1500 feet between Halfway Houses for Recovering Alcohol and Drug Abusers, Group Residential Care Facilities and other Halfway House for Recovering Alcohol and Drug Abusers.</p> <p>Planning Commission and City Council Review not required, unless proposed Halfway House for Recovering Alcohol and Drug Abusers was closer than 1500 ft. to another Group Residential Care Facilities or Halfway House for Recovering Alcohol and Drug Abusers.</p>	<p>This subcategory includes residential care facilities for recovering alcoholics and drug abusers.</p> <p>A Community Residence between 5-10 in population does not require Planning Commission and City Council Review, unless proposed use does not comply with conditions such as distance requirements.</p> <p>Proposed distance separation is 660 feet between Community Residences <b>from property line to property line. This is a change from the language presented to public at the community meetings and at Planning Commission. This is a change requested by NARA and directed by the Planning Department.</b></p>

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CONVALESCENT CARE FACILITY	<p>This category includes residential care facilities with a population of 11 or more. There is no substantive change to the current code, however, the terms Group Residential Care Facility and Halfway House for Recovering Alcoholics and Drug Abusers is being replaced with the new term Community Residence.</p> <p>Requires review and approval of a Special Use Permit by the Planning Commission and City Council.</p>	No Changes to Current Code.
FACILITY TO PROVIDE FOR THE TESTING, TREATMENT AND COUNSELING FOR DRUG ABUSE	Requires review and approval of a Special Use Permit by the Planning Commission and City Council.	No Changes to Current Code. This is not a residential facility for the disabled.
SEX OFFENDER COUNSELING FACILITY	Requires review and approval of a Special Use Permit by the Planning Commission and City Council.	No Changes to Current Code. This is not a residential facility for the disabled.
DELETION OF ACCESSORY USE--RENTING OF ROOMS FOR THREE PERSONS OR LESS	Provides a limit to the renting of persons in a single family dwelling to three	<b>During the code amendment drafting process, the CAO found that this existing code provision was inconsistent with the new definition of family and after consultation with the Planning Department, this existing code provision was stricken as the new definition of Family caps unrelated individuals within single family dwellings at 4. There is no practical change.</b>

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	CURRENT ORDINANCE	PROPOSED ORDINANCE
GROUP RESIDENTIAL CARE FACILITY	<p>"Group Residential Care Facility" means a dwelling unit of a residential character which is used or intended to be used to provide long-term housing and care for up to ten persons who are aged, infirm, physically or mentally handicapped, or physically dependent, and are living together for the purpose of training, observation, common support, or a combination thereof. The term does not include an individual residential care facility, a facility for transitional living for released offenders, a halfway house for recovering alcohol and drug abusers, a convalescent care facility/nursing home, or any facility which:</p> <p>(1) Provides surgical, medical, psychiatric or other specialized treatment a regular basis; or</p> <p>(2) Provides housing, care or treatment to persons whose occupancy would constitute a direct threat to the health or safety of other individuals or their property.</p>	Deleted. This term has been replaced by Family Community Residence. A separate state license is required to operate such a facility.
INDIVIDUAL RESIDENTIAL CARE FACILITY	<p>"Individual Residential Care Facility" means a home in which a natural person furnishes food, shelter, assistance and limited supervision, for compensation, to not more than two persons who are aged, infirm, mentally retarded or handicapped, unless the persons receiving those services are related within the third degree of consanguinity or affinity to the person providing those services.</p>	Deleted. This is now a permitted use pursuant to the definition of family. A separate state license is required to operate such a facility.

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HALFWAY HOUSE FOR RECOVERING ALCOHOL AND DRUG ABUSERS	"Halfway House for Recovering Alcohol and Drug Abusers" means a dwelling unit of a residential character that provides housing and a living environment for up to six recovering alcohol and drug abusers and is operated to facilitate their reintegration into the community, but does not provide any treatment for alcohol or drug abuse. The term does not include a facility for transitional living for released offenders. "Handicap" means, with respect to a person: (1) A physical or mental impairment which substantially limits one or more of such person's major life activities; (2) A record of having such impairment; or (3) Being regarded as having such an impairment. The term does not include current illegal use of or addiction to a controlled substance.	Deleted. This term has been replaced by Transitional Community Residence. A separate state license is required to operate such a facility.
CONDITIONAL USE VERIFICATION REQUIREMENT	Not in Current Code	Proposed addition to the code which permits the Director of Planning and Zoning to decide on a case-by-case basis which conditional uses necessitate verification.  Community Residences will likely require such verification so that the relevant departments understand the proposed use and can properly comment.